

Eugene B. Elliot, State Bar No. 111475
Christine Lee, State Bar No. 231617
BERTRAND, FOX & ELLIOT
The Waterfront Building
2749 Hyde Street
San Francisco, California 94109
Telephone: (415) 353-0999
Facsimile: (415) 353-0990

Attorneys for Defendant
SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
erroneously named herein as CITY COLLEGE OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRED HATTER,)	Case No.: CV08-3334 SBA
)	
Plaintiff,)	[PROPOSED] ORDER GRANTING
vs.)	DEFENDANT'S MOTION TO STRIKE
)	PUNITIVE DAMAGES
CITY COLLEGE OF SAN FRANCISCO,)	[AMENDED]
)	
Defendant.)	

Defendant SAN FRANCISCO COMMUNITY COLLEGE DISTRICT (hereinafter "DISTRICT"), *erroneously named herein as CITY COLLEGE OF SAN FRANCISCO'S* Motion to Strike plaintiff FRED HATTER'S request for punitive damages came on regularly for hearing on September 23, 2008 in Courtroom 3 of this Court. Plaintiff appeared in pro per and Christine Lee appeared for defendant.

The Court, having considered the papers and pleadings on file herein and the oral argument of counsel, and good cause appearing therefore, HEREBY ORDERS as follows:

///

///

1 Defendant's Motion to Strike plaintiff's request for punitive damages against the DISTRICT
2 is GRANTED. The DISTRICT is a public entity and immune from punitive damages pursuant to
3 Government Code section 818. *See, e.g. Kizer v. City of San Mateo*, 53 Cal.3d 139, 144 (1991);
4 *Tan v. Univ. of California San Francisco*, 2007 WL 963223, at *1 (N.D. Cal. 2007), 2007 U.S.
5 Dist. LEXIS 27436.

6 IT IS SO ORDERED.

7 DATED: _____
8 Honorable Sandra B. Armstrong
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 I, Jan Taheny declare that:

2 I am employed in the County of San Francisco, California; I am over the age of eighteen years
3 and not a party to the within cause; and my business address is 2749 Hyde Street, San Francisco,
4 California 94109.

5 I am readily familiar with the practice of Bertrand, Fox, & Elliot for the processing of
6 correspondence, said practice being that in the ordinary course of business, correspondence is
7 deposited in the United States Postal Service the same day as it is placed for processing.

8 On July 18, 2008, I served the following document(s):

9 **[PROPOSED] ORDER GRANTING DEFENDANT'S**
10 **MOTION TO STRIKE PUNITIVE DAMAGES [AMENDED]**

11 in said cause, on the following interested parties:

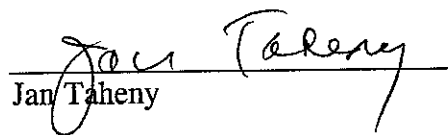
12 Fred Hatter
13 106 Jules Ave.
14 San Francisco, CA 94112

Pro Per Plaintiff

15 Said service was performed in the following manner:

16 **(X) BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope
17 addressed at noted above, with first-class mail postage thereon fully prepaid, for collection and
18 mailing at San Francisco, California, following the above-stated business practice, on this date.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed **July 18, 2008**, at San Francisco, California.

21 
22 Jan Taheny